
M E M O R A N D U M

DATE: July 5, 2016

TO: Planning Commission (July 11 meeting)

FROM: Dan Olson, City Planner

SUBJECT: Public Hearing: Variance Application (2016-06) to reduce the front setback for two single-family homes located at 3226 and 3232 Georgia Avenue North.

A. BACKGROUND

SVK Development, owner of the properties at 3226 and 3232 Georgia Avenue North, is requesting variances to reduce the front setback from 30 feet to 15 feet as measured from each home's foundation to the cul-de-sac easement line. Both properties involved in this application are zoned Low Density Residential (R-1). Notice of the July 11 public hearing was published in the Sun Post on June 30 and mailed to owners within 350 feet (see Attachment B). To date, staff has received one verbal comment on the variances from a resident who voiced opposition, believing that the City's regulations should be adhered to.

Attachments:

- A. Site location map
- B. Map showing public hearing notification area
- C. Existing zoning map
- D. Project narrative
- E. Proposed site plan

B. VARIANCES

The applicant is requesting variances to the front setback for the proposed homes to be constructed at 3226 and 3232 Georgia Avenue North. Both lots are located in the Gardendale Subdivision which was approved by the City Council in April 2016. The applicant is proposing to reduce the front setback from 30 feet to 15 feet as measured from the home's foundation to the cul-de-sac easement line (see Attachment F). This would result in both homes being 25 feet from the cul-de-sac curb. The applicant's reason for requesting the variances is for the homes at 3226 and 3232 Georgia to have a front setback that is reasonably similar to other future homes on Georgia south of the cul-de-sac (Attachment F). Also, although the site plan shows an increased rear setback from 30 feet to 40 feet, the required minimum setback would still be 30 feet.

The following are the relevant approval criteria for these variances as outlined in Section 515.05 of the City's Zoning Code, followed by staff response:

- a) Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the terms of the variances are consistent with the comprehensive plan.

Response: The intent of the City's Zoning Code is to provide for regulations to promote orderly development that allows for adequate access to light, air, and convenient access to property. Moving the proposed homes at 3226 and 3232 Georgia closer to the public street is not in conflict with those goals, provided that there is at least 20 feet of driveway from the garage doors to the cul-de-sac easement line. This is necessary to reduce the potential for vehicles parked in the driveways to extend into the street. If the variances are approved, the homes will continue to be in conformance with the Comprehensive Plan's Low Density Residential future land use designation (Attachment D).

- b) Variances shall only be permitted when the city council finds that strict enforcement of specific provisions of this section would create practical difficulties due to circumstances unique to a particular property under consideration. Practical difficulties, as used in connection with the granting of a variance, means that the property owner:
 - 1) proposes to use the property in a reasonable manner not permitted by an official control; and
 - 2) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - 3) the variance, if granted, will not alter the essential character of the locality.

Response: The use of these two lots for single-family homes is a reasonable use permitted by the City's zoning code. Without the variances the proposed homes would not be located in a similar location as other future homes on Georgia Avenue North. This is due to the presence of the cul-de-sac which was required by the City since the parcels north of the Gardendale Subdivision are not proposed for development at this time. This is a unique situation not created by the applicant. Since the proposed homes are only being moved to be closer to the street, the essential character of this area is not proposed to change provided that there is at least 20 feet of driveway from the garage doors to the cul-de-sac easement line. This is necessary to reduce the potential for vehicles parked in the driveways to extend into the street.

- c) Economic considerations alone do not constitute practical difficulties.

Response: The applicant has indicated that their reason for requesting the variances is to construct homes that have a similar front setback to other future homes on Georgia Avenue North. Therefore economic considerations alone are not the sole reason for requesting these variances.

C. REQUESTED ACTION

The Planning Commission is being asked to make a recommendation to the City Council to either deny or approve the Variance Application to reduce the front setback for the proposed new homes at 3226 and 3232 Georgia Avenue North from 30 feet to 15 feet. This recommendation should include findings of fact either for or against the proposal. The Commission may reference the findings for approval in Section B, above.

Since the variances meet the relevant criteria in the Zoning Code, Staff is recommending approval of the variance requests subject to the following condition of approval:

1. There shall be a minimum 20 foot long driveway from the garage doors to the cul-de-sac easement line for both properties.

City Council action is anticipated on July 19, 2016.

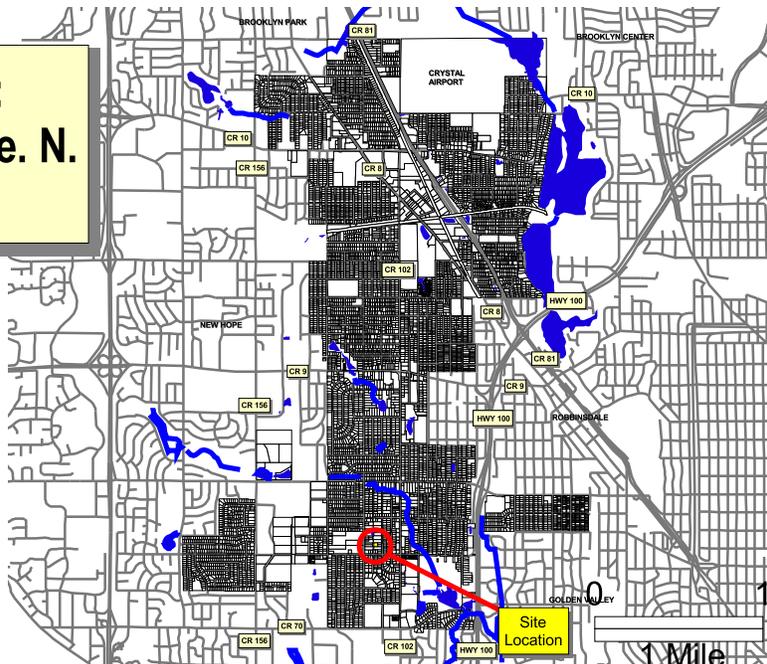
Site Location: 3226/32 Georgia Ave. N.



Aerial Image Hennepin County 2015

**Site Addresses:
3226/32 Georgia Ave. N.
Crystal, MN**

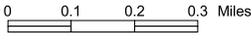
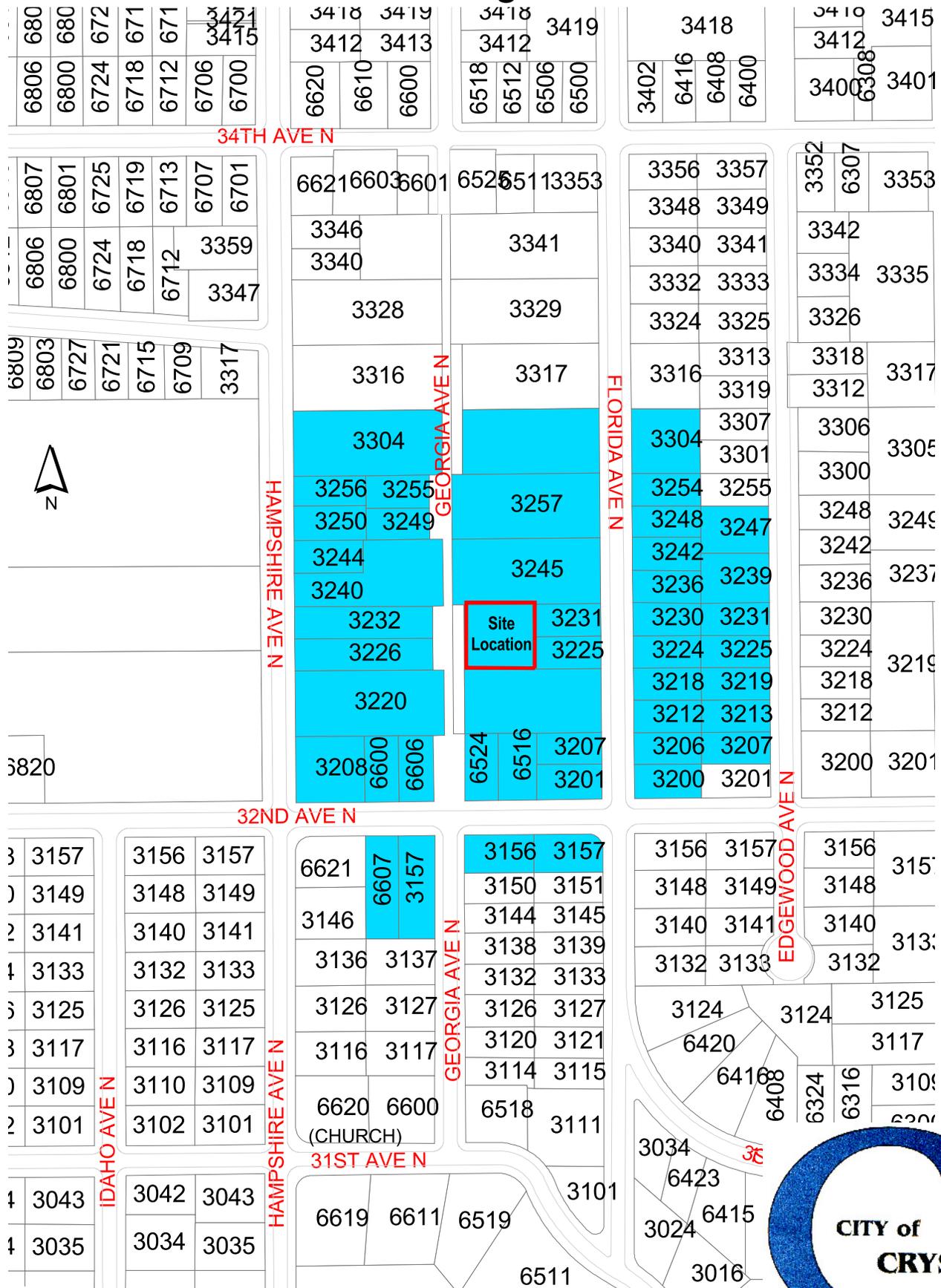
Attachment A



**City of Crystal
4141 Douglas Drive N.
Crystal, MN 55422**

Attachment B

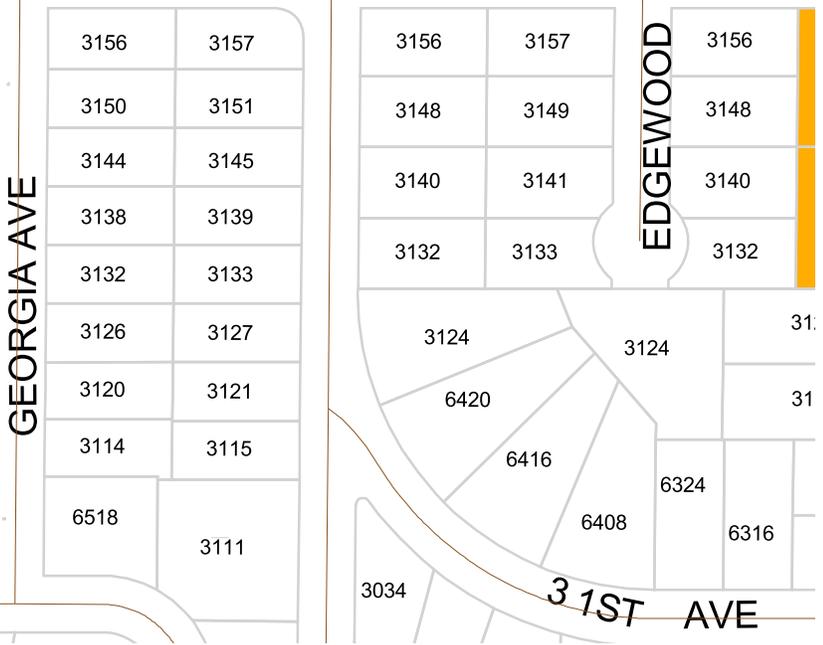
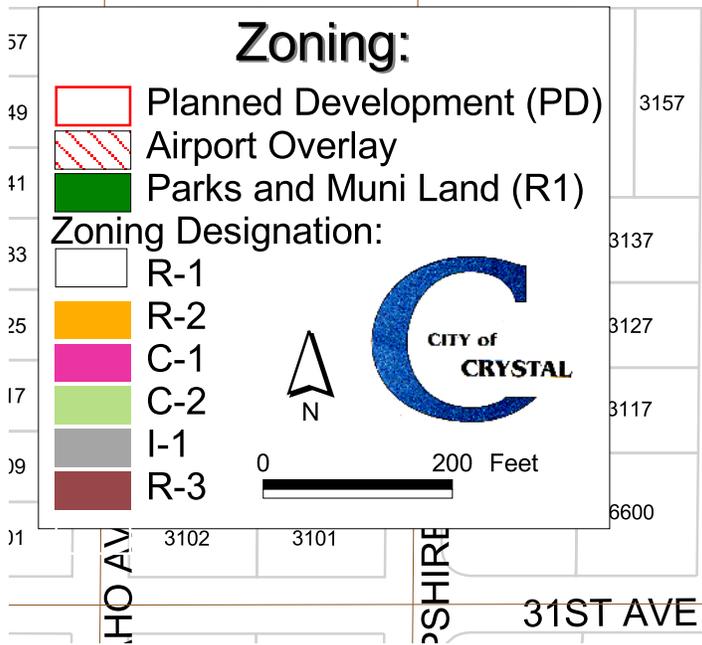
350' Notification Area Variance Request 3226/32 Georgia Ave N.



Current Zoning Designations Near 3226/32 Georgia Ave N



32ND AVE



Attachment D

Front Yard Variance Request Narrative
3232 & 3226 Georgia Ave. N.

SVK Development is requesting a variance approval of the front yard setback for lots 1 (3232) and 2 (3226) Block 2 of the Gardendale development to 15' from the temporary cul-de-sac easement line to the foundation of the new home. The two lots are currently impacted by the temporary cul-de-sac and force the home pad 40'-50' from the back of curb of Georgia Ave. N.

To be consistent with the alignment and look of other homes on Georgia Avenue North, SVK Development is requesting this variance to allow these homes to align with the front yards of other homes on the street and will move the rear of the home from the rear property line providing additional privacy for these lots and neighboring properties.

Attachment E

Note: The temporary cul-de-sac will remain in place as long as the street is not extended. It is staff's opinion that it is unlikely the street will be extended for the development of additional single-family homes, but it is possible.

